

UNITED STATES OF AMERICA  
UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JEFFREY ALLAN MAXON, )  
Petitioner, ) Case No. 1:05-cv-645  
v. ) Honorable Wendell A. Miles  
MARY K. BERGHUIS, )  
Respondent. )

## JUDGMENT

In accordance with the Opinion entered this day:

**IT IS ORDERED** that Petitioner's application for habeas corpus relief be DISMISSED without prejudice pursuant to Rule 4 of the Rules Governing § 2254 Cases for lack of exhaustion of available state-court remedies.

**IT IS FURTHER ORDERED** that a certificate of appealability is DENIED because a reasonable jurist could not conclude either that the district court erred in dismissing the petition for failure to exhaust or that the petitioner should be allowed to proceed further. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

Dated: November 7, 2005

/s/ Wendell A. Miles  
Wendell A. Miles  
Senior United States District Judge